

U.S. Opposes Curb on Data Gathering

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The Nixon administration said yesterday that it would oppose any legislation that would hamper its domestic intelligence-gathering activities.

Assistant Attorney General William Rehnquist told a Senate subcommittee that the government's responsibility includes the prevention of crime, and that intelligence-gathering is vital to this end.

Rehnquist said the Justice Department would not oppose legislation drawn to meet "demonstrated evils in a reasonable way." But he said the administration "will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision . . . or otherwise, would effectively impair this extraordinarily important function of the federal government."

The administration spokesman stressed throughout his testimony before Sen. Sam Ervin's subcommittee on constitutional rights that the mere gathering of intelligence information does not violate an individual's constitutional rights.

Ervin said some government spying appeared to violate the constitutional right to speak, petition, assemble and associate peacefully and freely.

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Assistant Attorney General William Rehnquist tells Senate subcommittee that even improper surveillance does not violate an individual's constitutional rights.

Intelligence-Gathering Curb Opposed by Administration

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But Rehnquist disagreed. Even improper surveillance, he said, doesn't amount to "a violation of any particular individual's constitutional rights." He acknowledged there have been abuses, which he characterized as "excessive zeal."

He disclosed that an FBI agent in San Francisco had leaked confidential information to two national magazine reporters who used it in an article that linked Mayor Joseph L. Alioto to the Mafia.

The agent, identified by other sources as Herbert K. Mudd Jr., 59, was disciplined and retired, Rehnquist said.

He said the Justice Department acted after Mayor Alioto last week told the subcommittee that the FBI and seven other federal agencies opened their files to Look magazine reporters. Alioto has sued the magazine for \$12.5 million in a libel action.

The other federal agencies are also checking Alioto's allegations, he said.

In response to another Alioto allegation—that an attorney for Life magazine had seen a "file cabinet full" of FBI reports in the office of a magazine journalist—Rehnquist said that last Friday Attorney General John N. Mitchell wrote Time-Life demanding the return of the FBI records "if they had them."

But Rehnquist said legislation was not the answer to abuses by the government. He said it was "quite likely that self-discipline" would be the answer to "virtually all legiti-

mate complaints against excesses."

He said current regulations prohibit the dissemination of any Justice Department files by present and former employ-

ees without permission of the Attorney General. The department is required by law, he said to share some of its intelligence with state and local police agencies.